



News Release

IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St., Boise, ID 83706 - TEL: (208) 327-7900 FAX: (208) 327-7866
Internet Homepage: <http://www.idwr.state.id.us>

Release 2003-51

**IDWR ISSUES NOTICE OF VIOLATION, CEASE AND DESIST ORDER
FOR ILLEGAL DIVERSION OF MAGIC VALLEY GROUND WATER**

For Immediate Release
Boise, Idaho - Oct. 24, 2003

For Media Information Contact:
Dick Larsen - (208) 327-7933

State water managers have issued a notice of violation to a Paul, Idaho farm and are seeking \$11,500 in civil penalties for illegal diversion of ground water being used to irrigate a 40-acre parcel of land without a valid water right, the Idaho Department announced today.

Darwin Neibaur Farms of Paul was also given a cease and desist order requiring it to immediately stop any further diversion of ground water being used to irrigate the land. Both were issued to Neibaur Farms on October 15.

The action involves using ground water to irrigate 40 acres of land near Paul this year. IDWR officials note that Neibaur Farms was also issued a notice of violation in 2002 for irrigating the same 40 acres without a valid water right. In April of this year Neibaur Farms signed an agreement with IDWR stipulating that the land would not be irrigated until a valid water right was obtained or unless water was secured through the water supply bank. In exchange, IDWR agreed to suspend a \$11,500 penalty.

Neibaur Farms did file a water right transfer application to legally cover the 40 acres of irrigation; however, IDWR has not yet approved the application. There is also no record of Neibaur Farms obtaining water from the water supply bank. State watermasters then discovered Neibaur Farms irrigating the same land this summer.

The notice of violation also requires Neibaur Farms to make restitution by replacing the amount of ground water illegally diverted this irrigation season. Neibaur Farms is required to submit a mitigation plan to IDWR no later than November 14 detailing how that will be done.

Neibaur Farms will have until October 29 to meet with the agency to determine how to resolve the violation.